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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,165	09/13/1999	WILLIAM J. SEQUEIRA	3063/40	3848
29858	7590	06/14/2005	EXAMINER	
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP 900 THIRD AVENUE NEW YORK, NY 10022			QUELER, ADAM M	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/394,165

Applicant(s)

SEQUEIRA, WILLIAM J.

Examiner

Adam M Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to communications: Amendment filed 04/01/2005.
2. Claims 1-11 and 13-34 are pending in the case. Claims 1, 17, 20-22, and 29 are independent claims.
3. The rejections of claims 1-11 and 11-33 under §102-103 in view of the previously cited art are withdrawn, in view of Applicant's arguments.

### *Specification*

4. The applicant is required to update the serial numbers and **status** of **ALL** related applications as exemplified on page 1, lines 10-16 of the specification.

### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 6-10, 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 6-10 recite the limitation "the step of broadcasting". There is insufficient antecedent basis for this limitation in the claim. Although the independent claim recites encoding "for broadcasting," the step of broadcasting is never positively recited. For examining purposes only, the step of broadcasting will be read in to the independent claim, however **note that, for example, claim 1 does not positively recite the step of broadcasting.**

Claims 24-25 recite the limitation "the transmission system". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-11, and 13-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshi et al. (USPN 6396500 filed 3/18/1999), and further in view of Allport (USPN 6097441—filed December 31, 1997).**

**Regarding independent claim(s) 1, 17, 20, 34,** Qureshi teaches storing a plurality of templates (col. 10, ll. 1-7). Qureshi teaches the templates are HTML the identify locations at which content is available (Fig. 4, 386). Qureshi teaches transformation techniques (Fig. 4, 366). Qureshi teaches capturing, transforming and inserting the content into the pages (col. 6, ll. 2-33). Qureshi teaches the pages make up a set of content pages (col. 11, ll. 1-3). Qureshi teaches distributing the content pages to others, through a conventional network (col. 8, ll. 44-49). Qureshi does not teach broadcasting. Allport discloses encoding the content to be suitable for television display (col. 13, ll. 61-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Allport with Qureshi. This combination would have replaced the conventional transmission with the broadcasting of Allport. This would have been obvious to one of ordinary skill in the art at the time of the invention because Allport teaches TV viewing was a desirable improvement on convention network, as it was more convenient for users (Allport, col. 1, ll. 54-58).

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**Regarding independent claim(s) 21, 29,** Qureshi teaches storing a plurality of templates (col. 10, ll. 1-7). Qureshi teaches the templates are HTML the identify locations at which content is available (Fig. 4, 386). Qureshi teaches transformation techniques (Fig. 4, 366). Qureshi teaches capturing, transforming and inserting the content into the pages (col. 6, ll. 2-33). Qureshi teaches the pages make up a set of content pages (col. 11, ll. 1-3). Qureshi discloses an album data structure (Fig. 2, 118) identifying the templates and containing sequence data (col. 10, ll. 45-48). Qureshi teaches distributing the content pages to others, through a conventional network (col. 8, ll. 44-49). Qureshi does not teach broadcasting. Allport discloses encoding the content to be suitable for television display (col. 13, ll. 61-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Allport with Qureshi. This combination would have replaced the conventional transmission with the broadcasting of Allport. This would have been obvious to one of ordinary skill in the art at the time of the invention because Allport teaches TV viewing was a desirable improvement on convention network, as it was more convenient for users (Allport, col. 1, ll. 54-58).

**Regarding independent claim(s) 22,** Qureshi teaches storing a plurality of templates (col. 10, ll. 1-7). Qureshi teaches the templates are HTML the identify locations at which content is available (Fig. 4, 386). Qureshi teaches transformation techniques (Fig. 4, 366). Qureshi teaches the pages make up a set of content pages (col. 11, ll. 1-3). Qureshi discloses an album data structure (Fig. 2, 118) identifying the templates and containing sequence data (col. 10, ll. 45-48). Qureshi teaches distributing the content pages to others, through a conventional network (col. 8, ll. 44-49). Qureshi does not teach broadcasting. Allport discloses encoding the content to be suitable for television display (col. 13, ll. 61-66). It would have been obvious to one of ordinary

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skill in the art at the time of the invention to combine Allport with Qureshi. This combination would have replaced the conventional transmission with the broadcasting of Allport. This would have been obvious to one of ordinary skill in the art at the time of the invention because Allport teaches TV viewing was a desirable improvement on convention network, as it was more convenient for users (Allport, col. 1, ll. 54-58).

**Regarding dependent claim(s) 26**, Qureshi teaches capturing, transforming and inserting the content into the pages (col. 6, ll. 2-33).

**Regarding dependent claim(s) 2**, Qureshi discloses a plurality of slots (col. 6, ll. 2-40).

**Regarding dependent claim(s) 3**, Qureshi discloses resizing the content to fit into a slot (col. 6, ll. 2-40).

**Regarding dependent claim(s) 4**, Qureshi discloses resizing based on the coordinates and size of the slots (col. 6, ll. 37-40).

**Regarding dependent claim(s) 5 and 19**, Qureshi discloses an album data structure (Fig. 2, 118) identifying the templates and containing sequence data (col. 10, ll. 45-48).

**Regarding dependent claim(s) 6**, Qureshi discloses presenting in a sequence (col. 10, ll. 45-48).

Qureshi does not teach broadcasting. Allport discloses encoding the content to be suitable for television display (col. 13, ll. 61-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Allport with Qureshi. This combination would have replaced the conventional transmission with the broadcasting of Allport. This would have been obvious to one of ordinary skill in the art at the time of the invention because Allport teaches TV viewing was a desirable improvement on convention network, as it was more convenient for users (Allport, col. 1, ll. 54-58).

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**Regarding dependent claim(s) 7, 24, 31,** Qureshi does not explicitly disclose a cyclical broadcast, however Official Notice is taken that it was well known and desired in the art at the time of the invention for playback systems to have a loop option that would provide cyclical playback.

**Regarding dependent claim(s) 8, 25, 32,** Qureshi does not explicitly disclose a random broadcast, however Official Notice is taken that it was well known and desired in the art at the time of the invention for playback systems to have a random option.

**Regarding dependent claim(s) 9,** Qureshi discloses presenting in a sequence (col. 10, ll. 45-48).

**Regarding dependent claim(s) 10, 23,** Qureshi discloses duration data (col. 10, ll. 45-48).

**Regarding dependent claim(s) 11,** Qureshi discloses playing the presentation. In order to do this, inherently the content must be stored.

**Regarding dependent claim(s) 13 and 18,** Qureshi teaches distributing the content pages to others, through a conventional network (col. 8, ll. 44-49). Qureshi does not teach broadcasting. Allport discloses encoding the content to be suitable for television display (col. 13, ll. 61-66). Allport discloses broadcasting pages over a television channel (col. 4, ll. 34-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Allport with Qureshi. This combination would have replaced the conventional transmission with the broadcasting of Allport. This would have been obvious to one of ordinary skill in the art at the time of the invention because Allport teaches TV viewing was a desirable improvement on convention network, as it was more convenient for users (Allport, col. 1, ll. 54-58).

**Regarding dependent claim(s) 14,** Qureshi discloses locations that are Internet sites (Fig. 4, 386).

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**Regarding dependent claim(s) 15**, Qureshi teaches the content is on local storage (col. 8, ll. 49-50).

**Regarding dependent claim(s) 16**, Qureshi discloses locations that are remote sites (Fig. 4, 386).

**Regarding dependent claim(s) 27**, Qureshi discloses a transmission system (col. 9, ll. 38-50).

**Regarding dependent claim(s) 28, 33**, Qureshi discloses the Internet (col. 9, ll. 38-50).

**Regarding dependent claim(s) 30**, Qureshi teaches the pages are distributed upon request (col. 2, ll. 29-31).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**10. Claims 1, 17, 20-22, and 29 are additionally rejected under 35 U.S.C. 102(e) as being anticipated by Norris (US006147768A, filed 9/12/1997).**

**Regarding independent claim(s) 1, 17, 20-22, and 29**, Norris discloses storing a plurality of templates, or pages, that identify locations of content (col. 8, ll. 21-23). Norris discloses the templates inherit their properties from their selected mats (col. 7, line 65 – col. 8, line 3). Norris teaches these properties include transformation techniques (col. 5, ll. 3-6). Norris teaches transforming the content and inserting the content into the template (col. 5, ll. 3-6). Norris teaches an album which is a set of content pages c.8.53-55. Norris teaches making a slide show



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out of the content pages ((col. 8, ll. 60-63)) and that a slide show can be encoded into a video form suitable for broadcasting to television viewers, namely a videotape (col. 7, ll. 29-32).

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-11 and 13-34 have been considered but are moot in view of the new ground(s) of rejection.

12. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the lack of interactivity, recited in paragraph spanning pp.12-13) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (571) 272-4140.

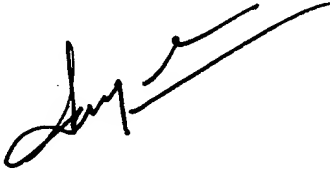
The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AQ



SANJIV SHAH  
PRIMARY EXAMINER